

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Sierra Club,)	
)	
Petitioner)	
)	
v.)	No. 22-1217,
)	(<i>consolidated with</i> No. 22-1218)
United States Department of Energy,)	
)	
Respondent,)	
)	
Magnolia LNG, LLC,)	
)	
Respondent-Intervenor.)	
_____)	

**MOTION OF RESPONDENT-INTERVENOR MAGNOLIA LNG, LLC
TO WITHDRAW AND SUGGESTION OF MOOTNESS**

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 27, Respondent-Intervenor Magnolia LNG, LLC (“Magnolia”) hereby moves to withdraw from this consolidated case, with each party to bear its own costs. In support hereof, Magnolia respectfully states as follows:

I.

On August 22, 2022, Sierra Club filed a petition, docketed under Case No. 22-1217, seeking review of two orders issued by the U.S. Department of Energy (“Energy”).¹ Those orders amended Magnolia’s authorization to export liquefied

1. Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, *Magnolia LNG, LLC*, DOE/FECM

natural gas (“LNG”) to nations with which the United States does not have a free trade agreement (“non-free trade nations”), increasing Magnolia’s authorized export volumes from the equivalent of 394.2 to 449 billion cubic feet per year of natural gas (“Incremental Authorization.”) Under the terms of the Incremental Authorization, Magnolia had a deadline of November 30, 2023, to commence commercial LNG export operations from its Project.

On September 20, 2022, Magnolia moved to intervene in No 22-1217, and its intervention was granted on November 28, 2022. On December 23, 2022, the Court consolidated No. 22-1217 with No. 22-1218, which involved a similar authorization as to a Golden Pass LNG plant and raised the same procedural issues. Oral argument in the consolidated case was held on October 17, 2023.

II.

Magnolia moves to withdraw as an intervenor because it has determined to move forward with a new application to Energy for authorization to export LNG to non-free trade nations. Magnolia has filed the new authorization request with Energy. The authorization that is the subject of the proceeding docketed at No. 22-1217 expired November 30, 2023 under its terms, as export operations had not

Order No. 3909-C, FE Docket No. 13-132-LNG (April 27, 2022); Order Denying Request for Rehearing, *Magnolia LNG, LLC*, DOE/FECM Order No. 3909-D, DOE/FECM Docket No. 13-132-LNG (June 24, 2022).

commenced. Accordingly, Magnolia no longer has an interest in this proceeding concerning that authorization and is withdrawing from it, and Sierra Club's request to vacate that authorization is now moot.²

III.

Magnolia thus respectfully requests that this Court grant its Motion to Withdraw as an intervenor in this consolidated proceeding, and suggests that Case No. 22-1217 is now moot.

Respectfully submitted,

/s/ John Longstreth

John Longstreth

David L. Wochner

Timothy J. Furdyna

K&L Gates LLP

1601 K Street, N.W.

Washington, DC 20006

Phone: (202) 778-9000

Fax: (202) 778-9100

Email: john.longstreth@klgates.com

david.wochner@klgates.com

tim.furdyna@klgates.com

Counsel for Magnolia LNG, LLC

December 1, 2023

² See *Vecinos para el Bienestar v. FERC*, 6 F.4th 1321, 1327 (D.C. Cir. 2021) (dismissing as moot an appeal of an authorization for Annova LNG Common Infrastructure, LLC ("Annova"), where Annova informed the court it no longer intended to pursue the subject authorization and withdrew as an intervenor from the proceeding.)

CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit established by Fed. R. App. P. 27(d) and 32(g)(2) because, excluding the parts of the document exempted by Rule 32(f), the document contains 431 words.

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6), because this brief has been prepared in a proportionally spaced typeface using Microsoft Office 365 in Times New Roman 14-point font.

Respectfully submitted,

/s/ John Longstreth

John Longstreth
David L. Wochner
Timothy J. Furdyna
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006
Phone: 202.778.9000
Email: john.longstreth@klgates.com
david.wochner@klgates.com
tim.furdyna@klgates.com

*Counsel for Respondent-
Intervenor Magnolia LNG, LLC*

December 1, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December, 2023, I electronically filed the foregoing Motion to Withdraw of Magnolia LNG, LLC with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I further certify that I have mailed the foregoing document by first-class mail, postage prepaid, to any participants in the case who are not CM/ECF users.

/s/ John Longstreth